

Law Offices Of
FRASER CLEMENS MARTIN & MILLER LLC
Intellectual Property and Technology Law

Donald R. Fraser
William J. Clemens¹
Richard G. Martin
J. Douglas Miller

28366 Kensington Lane
Perrysburg, Ohio 43551-4163

e-mail: clemens@fraser-ip.com
Telephone: (248) 960-2100
Facsimile: (248) 684-1243

Michael E. Dockins²
Jacob M. Ward³
William C. Dusseau
Brenda J. Kruse
Carrie A. Johnson⁴
Michael J. Riesen

¹ Admitted in Ohio and Michigan
² Admitted in Ohio and Indiana
³ Admitted in Michigan only
⁴ Admitted in Georgia only

FAX TRANSMISSION

Date: November 21, 2008
To: Examiner E. Pico GAU 3654 U.S. Patent and Trademark Office
Fax: 571-273-8300
From: William J. Clemens
Re: 16565

We are transmitting a total of 7 pages (including cover sheet).
If transmission is not complete, please call 419.874.1100.

COMMENTS: Please see the following Request for Corrected Notice of Allowability for filing
in the patent application S/N 10/677,989. Thank you.

CONFIDENTIALITY NOTICE

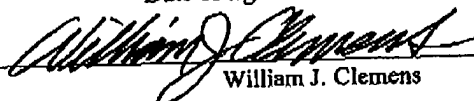
The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this communication in error, please notify us at 419/874-1100 (collect) so that we can arrange for the retrieval of the original document at no cost to you. Thank you.

NOV 21 2008

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8
I hereby certify that this correspondence is being facsimile transmitted
to the Commissioner for Patents on:NOVEMBER 21, 2008

Date of signature and transmission

By


William J. Clemens

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: SPIESS

Serial No.: 10/677,989

Filed: October 2, 2003

For: DOOR WITH SLIDING DOOR LEAF
AND WITH GUIDE MEANS

Group Art Unit: 3654

Examiner: E. Pico

Attorney Docket: 16565

Confirmation No.: 9067

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY

Honorable Sir:

Applicant requests a corrected Notice of Allowability confirming that all certified copies of priority documents have been received. The Notice of Allowability (see attached copy) received by Applicant states that "None" of the certified copies of priority documents have been received.


The file maintained by Applicant's attorney evidences transmittal of a certified copy of the priority document on October 2, 2003 with the application to be filed. Attached is a copy of the Utility Patent Application Transmittal form printed from PAIR showing an accompanying "Certified Copy of Priority Document(s)" indicated by an "X" in the box for item 14. Also attached is a copy of the return postcard showing inclusion of the priority document. Finally, attached is a copy of the "Certificate" cover page from the certified copy of the priority document. A copy of the "Certificate" cover page is in the file according to the standard practice of Applicant's attorney at the time of filing of the application.

16565

1

The attached evidence supports the conclusion that a certified copy of the priority document was filed with the application on October 2, 2003. Therefore, Applicant requests that a corrected Notice of Allowability confirming that all certified copies of priority documents have been received be issued.

Respectfully submitted,


William J. Clemens, Reg. No. 26,855
(248) 960-2100

Fraser Clemens Martin & Miller LLC
28366 Kensington Lane
Perrysburg, Ohio 43551-4163
419-874-1100
419-874-1130 (FAX)

RECEIVED
CENTRAL FAX CENTER

NOV 21 2008

| | | | |
|-------------------------------|-----------------|---------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/677,989 | SPIESS, PETER | |
| | Examiner | Art Unit | |
| | ERIC PICO | 3654 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to 7/10/2008.
- ☒ The allowed claim(s) is/are 1-16.
- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - ☐ All ☐ Some* ☒ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in **ABANDONMENT** of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

| | |
|--|--|
| Attachment(s) 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|

U.S. Patent and Trademark Office
PTOL-37 (Rev. 08-06)

Notice of Allowability

Part of Paper No./Mail Date 20081014

NOV 21 2008

Please type a plus sign (+) inside this box →(+)

PTO/SB/05 (11/00)

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|--|--|---|------------------|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>Only for new nonprovisional applications under 37 CFR 1.53(b)</i> | | Attorney Docket No. 16565 | |
| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents | | First Inventor or Application Identifier Peter Spiess | |
| | | Title Door with Sliding Door Leaf and with Guide Means | |
| | | Express Mail Label No. EL 975498059 US | |
| | | MAIL STOP PATENT APPLICATION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 | |
| 1. <input checked="" type="checkbox"/> *Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. (See 37 CFR 1.27) 3. <input checked="" type="checkbox"/> Specification [Total Pages 15] (preferred arrangement set forth below) — Descriptive title of the invention — Cross References to Related Applications — Statement Regarding Fed sponsored R&D — Reference to sequence listing, a table, or a — computer program listing appendix — Background of the invention — Brief Summary of the invention — Brief Description of the Drawings (if filed) — Detailed Description — Claim(s) — Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 4] 5. Oath or Declaration [Total Pages 2] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) [Note Box 5 below] DELETION OF INVENTORS i. <input type="checkbox"/> Signed statement attached deleting inventor(s) named in the prior application, see CFR §§ 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statement verifying identity of above copies | | 9. <input type="checkbox"/> Assignment Papers (cover sheet & documents) 10. <input type="checkbox"/> 37 CFR §3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable). 12. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Request and Certificate under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach Form PTO/SB/33 or its equivalent 17. <input type="checkbox"/> Other: _____ | |
| 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior Application No. _____ Prior application information: Examiner Group/Art Unit _____ For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts. | | | |
| 19. CORRESPONDENCE ADDRESS | | | |
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | | or <input type="checkbox"/> Correspondence address below | |
| 04859 | | | |
| PATENT TRADEMARK OFFICE | | | |
| Name William J. Clemens, Esq. | | | |
| Address _____ | | | |
| City _____ | | Zip Code _____ | |
| Country _____ | | Telephone 734/542-0900 | Fax 734/542-9569 |
| Name (print/type) William J. Clemens | | Registration No. (Attorney/Agent) 26,855 | |
| Signature <i>William J. Clemens</i> | | Date October 2, 2003 | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231
e:\2003\16565.sb05.doc

Certificate of Mailing by Express Mail

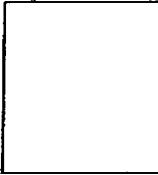
"Express Mail" Mailing Label No. EL 975498059 US Date of Deposit October 2, 2003. I hereby certify that this paper or fee is being deposited in the United States "Express Mail Post Office to Addressee" service under 37 CFR 1.10 of the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Terri L. Fox

WJA

SERIAL NO. _____ CASE NO. 16565
(INVENT 10/2003)
FILED: _____
APPLICANT(S): PETER SPIESS

THE PATENT OFFICE MAIL ROOM DATE STAMP HEREON
ACKNOWLEDGES RECEIPT OF THE FOLLOWING ITEMS:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Patent Application (<u>15</u> pages) |  | <input type="checkbox"/> Amendment |
| <input checked="" type="checkbox"/> Drawing(s) (<u>4</u> sheets) | | <input type="checkbox"/> Information Disclosure Sumt. |
| <input type="checkbox"/> Assignment | | <input type="checkbox"/> Extension of Time |
| <input checked="" type="checkbox"/> Small Entity Declaration | | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Express Mail Certificate | | <input type="checkbox"/> Advance Patent Copy Order |
| <input type="checkbox"/> First Class Mail Certificate | | <input type="checkbox"/> Maintenance Fee Transmittal |
| <input type="checkbox"/> Fees \$ _____ (check) | | <input type="checkbox"/> TM/SM Application |
| <input checked="" type="checkbox"/> Fees \$ <u>770</u> (deposit account) | | <input type="checkbox"/> TM/SM Exhibits (7) |
| <input checked="" type="checkbox"/> Other <u>TRANSMITTAL FORMS, PRIORITY DOC, POSTCARD</u> | | |

10/2/03

EL975498059US



Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Bescheinigung

Certificate

Attestation

Die angehefteten Unterlagen stimmen mit der ursprünglich eingereichten Fassung der auf dem nächsten Blatt bezeichneten europäischen Patentanmeldung überein.

The attached documents are exact copies of the European patent application described on the following page, as originally filed.

Les documents fixés à cette attestation sont conformes à la version initialement déposée de la demande de brevet européen spécifiée à la page suivante.

Patentanmeldung Nr. Patent application No. Demande de brevet n°

02022422.6

Der Präsident des Europäischen Patentamts;
Im Auftrag

For the President of the European Patent Office

Le Président de l'Office européen des brevets
p.o.

R C van Dijk